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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,731	09/15/2000	Satoshi Tsujii	450100-02716	2305
20999	7590	07/01/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2613	10

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	Application No. 09/663,731	Applicant(s) TSUJII ET AL.	
	Examiner Jamie Vent	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7-9</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-21 are rejected under 35 U.S.C. 102(b) as being unpatentable by Okada et al (US 6,181,870).

**[claims 1, 2, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, & 21]**

In regard to Claims 1, 2, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, Okada et al discloses a recording apparatus and method for recording video and audio data to a recording medium, rewritable optical disc, comprising:

- Encoding means for encoding video data in a group structure of a plurality of frames corresponding to a compression-encoding process in a combination of an inter-frame predictive encoding process and a motion compensative process (Figure 18 shows an encoder in which an inter-frame predictive encoding process and a motion compensative process is met through the MPEG encoder as well being well known in the art);
- Audio output means for outputting compression-encoded or non-compressed audio data (Figure 17 shows audio output signal used for outputting all audio data);

- Transforming means for transforming the data structure of encoded video or encoded audio data that is output from said encoding means and audio data that is output from said audio output means into a file structure that can be processed by a computer software program without a dedicated hardware portion so that moving pictures and so forth are synchronously reproduced and multiplexing the encoded video data and the audio data having the file structure (Figure 17 C1 transforms the output of the MPEG encoder into a file that can be processed by a computer system as further described in Column 37 Lines 40+ and seen in Figure 21);
- Recording means for recording multiplexed data having the file structure to a record medium, such as an optical disc (Figure 17 recording element 3 records the file structure information); and
- File structure has a first data unit and a second data unit, the second data unit being a set of the first data units (Figure 70a shows a first data set/original PGC information table and a second data set/user-defined PGC information table which is a subset of the first/original set), wherein
  - at least one data structure is matched with the first data structure ( Figure 89a one can see the matching of the first/original set to the second/user-defined set as seen by the arrows from Cell#3 in the original to Cell#3a in the user-defined set); and
  - the second data unit is matched with a successive record of length of data written to the optical disc (Figure 89a shows the second data (cell #7a)

being matched with subsequent length of the first/original data set (Cell #7) as seen by the length of time of each segment).

**[claim 3]**

In regard to Claim 3, Okada et al further discloses the compression-encoding process is MPEG, a GOP structure (Figure 4a and 4b and further described in Column 15 Lines 28-38), and date of the sequence header is added to each GOP that is matched with the first data unit (Figure 6F-6H shows the headers for the data that is added to each GOP and it is further described in Column 23 Lines 14+ that packet start codes shows the time at which the data is stored in the present back and when it should be inputted into the various buffers thereby allowing for a comparison match with the first/original data unit).

**[claim 7]**

In regard to Claim 7, Okada et al further discloses a recording apparatus wherein the duration of the encoded video data of the second data unit is the same as the duration of the encoded audio data of the second data unit (Figure 89a shows the second data (cell #7a) being matched with subsequent length and duration of the first/original data set (Cell #7) as seen by the length of time of each segment).

**[claim 8]**

In regard to Claim 8, Okada et al further discloses a recording apparatus wherein the encoded video data of the second data unit and the encoded audio data of the second data unit are alternately placed in the multiplexed data, each of the encoded video data of the second data unit and the encoded audio data of the second data unit being matched with successive record length (Figure 71 shows the encoded AV data being alternately placed in the multiplexed data unit of

the user defined chain PGC#3 with each record being matched with the successive length due to the time map table as seen in the Original PGC #1 and #2).

**[claims 10 & 11]**

In regard to Claims 10 and 11, Okada et al further discloses a recording apparatus wherein the file structure further includes a data portion containing management information and the data portion contains size information of the first data unit and position information of the second data unit (Figure 36 shows the mangement information for the file system, aside from of the sector management table and AV block management table which is seen in Figure 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 6,181,870).

**[claim 9]**

In regard to Claim 9, Okada et al fails to disclose a recording apparatus wherein the audio data is compression-encoded corresponding to the ATRAC and the first data unit of the file structure contains at least one sound unit of ATRAC. The examiner takes official notice that it is well known in the art to use mini discs as recording apparatus, which thereby use Adaptive Transform Acoustic Coding (ATRAC). It would be obvious to one skilled in the art at the time of the

invention for Okada et al to use a mini disc apparatus for editing and recording purposes and thereby using ATRAC.

### ***Conclusion***

The prior art made of record and not relied upon are considered pertinent to applicant's disclosure. The following is considered of significant interest to the application:

- Azadegan et al (US 5,819,004); and
- Mori et al (US 5,845,873).

### ***Contact Fax Information***

*Any response to this action should be mailed to:*

Commissioner of Patents and Trademarks  
Washington, DC 20231

*Or faxed to:*

703.208.6306 (for formal communication intended for entry)  
703.308.5359 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

### ***Contact Information***

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie J. Vent whose telephone number is (703) 305-0378.*

*If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Christopher Kelley, can be reached at (703) 305-4856.*

*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.*

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).*

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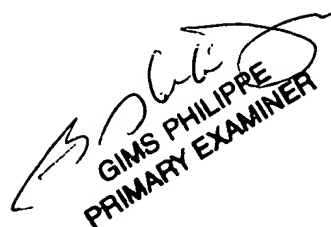
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Miss Jamie Vent

06/22/2004



GIMS PHILIPPE  
PRIMARY EXAMINER